

E-Filed 3/23/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FABIANA COLEMAN,

Plaintiff,

v.

STATE FARM INSURANCE,

Defendant.

Case Number C 09-5707 JF (PVT)

ORDER¹ REOPENING CASE AND
REMANDING CASE TO THE SANTA
CLARA SUPERIOR COURT

On November 20, 2008, Plaintiff, a California resident, filed the instant action against State Farm Insurance in the Santa Clara Superior Court. Almost a year later, on November 3, 2009, Plaintiff mistakenly served the summons and complaint upon a different entity, State Farm Mutual Automobile Insurance Company (“State Farm Mutual”). State Farm Mutual, a citizen of the state of Illinois, removed the action to this Court on December 3, 2009. Plaintiff subsequently realized that she had served the wrong entity, and submitted to the Court a

¹ This disposition is not designated for publication in the official reports.

1 stipulation and proposed order dismissing State Farm Mutual from the case. Because it appeared
2 that the only defendant had been dismissed, the Court closed the file. Plaintiff's counsel
3 subsequently filed a letter explaining the above circumstances and requesting that the Court
4 reopen the case and remand it to the superior court.

5 Because it appears that the case was removed improperly by a non-party, and closed in
6 error, the Court will grant Plaintiff's request to reopen the case so that it may be remanded to the
7 superior court. Presumably, after remand the case will be in the same procedural posture it was
8 before Plaintiff erroneously served the summons and complaint upon the wrong entity.

9 **ORDER**

10 For good cause shown, the Clerk of the Court shall REOPEN this case and immediately
11 REMAND the case to the Santa Clara Superior Court.

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18 Dated: 3/23/10

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21 JEREMY FOGEL
22 United States District Judge
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(JFLC2)